

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2679 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DHORAJI NAGARPALIKA & ANR.

Versus

BABULAL R BALADHA & OTHERS

Appearance:

MR DM THAKKAR for the Petitioners
MR KH DAVE for Respondent No. 3
None present for other respondents.

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/08/96

ORAL JUDGEMENT

1. The petitioners filed this writ petition before this Court against the judgment of the Gujarat Affiliated Colleges Service Tribunal, Ahmedabad. The petitioners though on merits did not challenge the judgment of the Tribunal but their grievance is only confined to the directions which had been given by the Tribunal. These directions are as under:

Both these applications are allowed. It is hereby declared that Shri Babulal R. Boghka and Shri Gokalbhai would be entitled to receive their respective salaries in the pay scale of office superintendent and Head clerk respectively as prescribed by the Saurashtra University irrespective to the fact whether the same would be admissible for the purpose of the grant or not. The management therefore is directed to continue to pay their salary as per the pay scale prescribed by the University and release their increments as and when the same become due.

While admitting this petition the interim relief in terms of Para no.16(B) has been granted by this court in favour of the petitioners. The prayer made in para no.16(B) reads as under:

YOUR LORDSHIPS be pleased to direct the respondent no.4 to forthwith sanction the salary bills sent by the petitioners for the month of May 1983 in respect of the respondent no.1 and 2 and to continue to do so from time to time as and when further salary bills are submitted by the petitioners pending the admission, hearing and final disposal of this petition.

2. Both the learned counsel for the petitioners and the respondents submit that by now the payment would have been made to the petitioners by the respondents. It has further been stated by the counsel for the petitioners though on the apprehension, that even if the amount is paid and in case this Special Civil Application is dismissed then the Government may insist for the refund of the amount paid to the teachers in pursuance of the direction of the Tribunal. I do not find any substance in this apprehension of the counsel for the petitioner. The salary has to be paid to the teachers and other employees of the college as per the grant from the Government. The direction of the Tribunal was with the object that the teachers may not suffer because of some delay on the part of the Government in sanctioning the grant etc.. On the basis of the pay-scale for which the teachers therein are were found entitled, the directions were given for the payment to the petitioners who are the employees. The grant has to be sanctioned and the payment is to be made from the grant.

3. In view of the statement made by the learned counsel for the parties that by now the amount would have been paid, the interest of justice will be served in case this Special Civil Application is disposed of with the direction that the direction of the Tribunal to the

extent where it directs to the petitioner to first pay the salaries to the respondent teachers may not be given effect to. This Special Civil Application stands disposed of accordingly. The rule stands discharged subject to the aforesaid direction with no order as to costs.
